

Serial No.: 10/614,140  
Docket No.: LOCH1  
Amendment dated May 19, 2005  
Responsive to Office Action dated May 5, 2005

REMARKS

Prior to the present Office Action, claims 1-24 were pending, with claims 8 and 19 being withdrawn as being drawn to a non-elected species. Claims 2-3, 7, and 24 have been canceled, and claims 25-28 added. Therefore, claims 1, 4-6, 8-23, and 25-28 remain pending.

5 The undersigned would like to thank Examiner Novosad for a courteous and productive telephonic interview on May 19, 2005. During the interview, the differences between claims 12 and 20 (as amended) were discussed.

Please note that aside from amending claims to place them in condition for allowance, claim 12 is not amended other than to correct a section 112 issue, and claim 20 has been amended 10 to incorporate the limitations of claim 24. Therefore, no new issues are raised and these amendments are proper in view of the final status of the Office Action.

Applicant gratefully acknowledges the allowability of claims 3 and 9, and these have been converted into independent claims 1 and 25, respectively. Accordingly, claims 2-3 have been canceled. Furthermore, claim 7 has been canceled as being inconsistent with amended claim 1.

15 New claims 26-28 depend from claim 25 and therefore should be allowable.

Discussion of Section 112 Rejections

Claims 1, 12, and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant understands the Examiner's rejection to relate to an antecedent problem as 20 to the terms "width dimension" and "width" in reference to either the support members or the skateboard. In the claims, a skateboard is defined as having a "deck width," while the support members are defined as having a "width dimension." To further clarify and respond to the rejection, several instances of "width dimension" have been amended such that they more expressly referred to the support member(s). For example, in claim 12 "the support members 25 [are] mounted in parallel a distance apart perpendicular to their width dimensions the width dimension" This explanation and the above changes are believed to sufficiently overcome the section 112 rejection.

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Discussion of Rejections Based on Draper

Claims 1, 2, 7, 9, 12-17, and 20-24 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Draper (USPN 6,293,412). This rejection now only applies to independent claims 12 and 20, as claim 1 has been amended to incorporate an allowable dependent claim. The

5. rejection will be addressed with respect to the amended claims, and in view of the interview discussion.

Claim 12

It is important to note that claim 12 specifies that one of the support members has a width dimension different than the width dimension of the other support member (e.g., the support members 104 and 110 in Figs. 6A-6C). In contrast, Draper '412 has identical support members.

During the telephonic interview, the Examiner postulated that the "width dimension" of one of the support members (e.g., 26A) of Draper could be different than the "width dimension" of the other support member (e.g., 26B). This parallels the comment at the end of the first

- 15 paragraph on page 4 of the Office Action. Applicant respectfully asserts that such an interpretation of Draper is improper. One cannot measure the width dimension along a first axis of one of the support members (e.g., side-to-side dimension of 26A) and then measure the width dimension along a second, different axis of the other support member (e.g., front-to-back dimension of 26b). First of all, the two support members in Draper are mounted to a common 20 structure such that they extend outward in parallel, which constrains their "width dimensions" along a common axis, whichever one is used. Secondly, mixing and matching axes in a prior art reference to compare dimensions of two structures that are parallel in the claims is a slippery slope; the claimed frame of reference is ignored and *any* dimension on the prior art structures can be used.

- 25 Applicant respectfully asserts that dissimilar support members are not disclosed in Draper, nor are they suggested, and thus claim 12 is allowable. It is also worth noting that the identical nature of the support members 26A or 26B in Draper permits a skateboard to be hung properly, parallel to whatever wall surface against which the support members are mounted.

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Claim 20

Please note the incorporation of claim 24 into claim 20, such that more than two support members mount to the portable mounting base, and wherein between each two support members a slot is formed for receiving a skateboard (e.g., see the series of support members 92 in Fig. 5).

5 This limitation was already present in claim 13 and thus should not raise a new issue.

In contrast, Fig. 5 of Draper shows a multiple rack assembly including a plurality of pairs of support members, each pair hanging on a "rack assembly 50." The "slots" for receiving skateboards are only defined between the two support members in each pair. Consequently, there is a ratio of two support members for each slot (2:1). In claim 20, two slots are defined between 10 each three sequential support members, creating a ratio of (n+1):n support members to slots in the portable skateboard security rack. Additionally, by definition, "more than two" support members in claim 20 includes 3, 5, 7, etc. support members. In contrast, Draper only discloses an even number of support members (because there are a plurality of pairs of support members), and indeed an odd number of support members would leave one unused.

15 Applicant respectfully asserts that claim 20 is neither disclosed nor suggested by Draper.

Conclusion

In view of the above amendments and remarks, applicant believes that claims 1, 4-6, 8-23, and 25-28 are in condition for allowance. If there is any further hindrance to allowance, the 20 Examiner is encouraged contact the undersigned by telephone.

Respectfully submitted,



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